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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,372	06/25/2007	Dan Lundgren	NOBELB.303NP	8124

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

LEWIS, RALPH A

ART UNIT	PAPER NUMBER
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3732

NOTIFICATION DATE	DELIVERY MODE
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05/11/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

Office Action Summary	Application No.	Applicant(s)	
	10/591,372	LUNDGREN, DAN	
	Examiner	Art Unit	
	Ralph A. Lewis	3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 17, 20, 21, 23-27, 31, 34, 35, 37-39, 41, 43-49, 51, 52, 54, 55, 57-63, 65-69, 71-77, 79, 80, 82, 84-90 is/are rejected.
- 7) ☒ Claim(s) 22, 36 and 78 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/25/2011</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1-4,6,17,20-27,31,34-39,41,43-49,51,52,54,55,57-63,65-69,71-80,82 and 84-90.

Prior Art Rejection based on Cantor '146 and '820 Withdrawn

Applicant's remarks regarding the 35 U.S.C. 102(e) rejection based on the Cantor published applications, the subsequent issuing Cantor patent and the 37 CFR 1.131 declaration have been found persuasive and the rejection is withdrawn.

Rejections based on Prior Art

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 17, 20, 23-26, 31, 34, 37, 41, 45-49, 51, 59-63, 65-68, 71-73, 75, 76, 79 and 86-90 are rejected under 35 U.S.C. 102(b) as being anticipated by Simmons et al (US 5,503,187).

Simmons et al disclose in Figure 7 a device 134 capable of being implanted with a jaw bone and supporting a dental implant comprising a body 134 having an upper coronal end and lower apical end. The device includes a threaded external surface 142 that extends substantially to the apical end. The device further includes a first internal surface 138 concentric with the external surface 142 and a second inner surface that intersects with the first internal surface. In regard to claim 2, the upper shoulder of the upper thread of 142 is capable of acting as a "stop mark." In regard to claim 37,

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element 135 is deemed to meet all the reasonably ascertainable limitations of a “dental component.”

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 20, 21, 27, 34, 35, 37-39, 41, 43, 44, 51, 52, 54, 55, 57, 58, 69, 75-77, 79, 80, 82, 84 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons et al (US 5,503,187).

In regard to claims 6, 27 and 69 Simmons et al is silent as to the use of double threading for the threaded component 134. One of ordinary skill in the art, however, would have found obvious the use of prior art double threading in order to decrease the number of turns required for installing the component. In regard to claims 20, 34 and 75, Simmons et al does not disclose the size of the threading, however, one of ordinary skill in the art would have found threading in the micrometer range obvious as a matter of routine construction. In regard to claims 21, 35 and 77, Simmons does not disclose how the annular opening is formed in the object 136, however, one of ordinary skill in the art would have found the use of a trephine drill for making the annular opening to have been obvious because such annular openings are commonly formed with a

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trephine drill. In regard to claims 43, 44, 57, 58, 84 and 85, Simmons et al do not give any specific sizes for the component 134, however, they indicate that it may be used for a variety of different purposes inherently having different sizes. To have constructed the Simmons et al component 134 within the size range claimed would have been obvious to one of ordinary skill in the art so that it could fit similar sized devices, e.g. tubing, valve stems etc. In regard to claims 38, 39, 41, 51, 52, 54, 55, 79, 80 and 82, the present claims set forth no connection or arrangement between the two apparatuses claimed – the mere use of a Simmons et al in a dental lab or office where dental crowns are present would appear to reasonably meet the broad language of the “combination claim.” To have used the Simmons et al device in a common dental setting would have been obvious to one of ordinary skill in the art as a matter of routine.

Prior Art

Applicant's information disclosure statement of February 25, 2011 has been considered and an initialed copy enclosed herewith.

Allowable Subject Matter

Claims 22, 36 and 78 are objected to as being dependent on a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the claims from which they depend.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication should be directed to **Ralph Lewis** at telephone number **(571) 272-4712**. Fax (571) 273-8300. The examiner works a compressed work schedule and is unavailable every other Friday. The examiner's supervisor, Cris Rodriguez, can be reached at (571) 272-4964.

R.Lewis
May 9, 2011

/Ralph A. Lewis/

Primary Examiner, Art Unit 3732